

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| IN RE VEECO INSTRUMENTS INC. | : | 05 MD 1695 (CM)(GAY) |
| SECURITIES LITIGATION | : | |
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| THIS DOCUMENT RELATES TO: | : | |
| SECURITIES LITIGATION | : | |
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MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION *IN LIMINE* TO PRECLUDE TESTIMONY OF ROBERT W. BERLINER

**(FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY ORDER
DATED MAY 16, 2006)**

GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
Phone: (212) 351-4000
Fax: (212) 351-4035

*Attorneys for Defendants Veeco
Instruments Inc., Edward H. Braun,
John F. Rein, Jr., and John P. Kiernan*

June 22, 2007